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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,187	06/25/2005	Jean-Christophe Galland	RN02101	8581

7590 01/25/2007  
Jean-Louis Seugnet  
Rhodia Inc  
Intellectual Property Department  
259 Prospect Plains Road CN-7500  
Cranbury, NJ 08512-7500

EXAMINER
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KOSACK, JOSEPH R

ART UNIT	PAPER NUMBER
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1626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/521,187

Applicant(s)

GALLAND ET AL.

Examiner

Joseph Kosack

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 25-46 are pending in the instant application.

#### ***Amendments***

The amendment to the claims filed on October 27, 2006 has been acknowledged and has been entered into the application.

#### ***Election/Restrictions***

Applicant's election without traverse of Group I (claims 25-46 in part) in the reply filed on October 27, 2006 is acknowledged. Claims 25-46 (in part) withdrawn from further consideration by the Examiner under 37 CFR 1.142(b) as being drawn to a non-elected invention.

#### ***Priority***

The claim to priority as a 371 filing of PCT/FR03/02191 filed July 11, 2003 which claims benefit of FR 02/08904 filed July 15, 2002 is acknowledged in the instant application.

#### ***Claim Objections***

Claims 25-46 are objected to for containing elected and non-elected subject matter. The elected subject matter have been identified supra.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 25-46 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In the instant case, a process for hydrocyanating a hydrocarbon compound containing at least one ethylenic unsaturation using a catalyst comprising a transition metal and an organic ligand of formula I is claimed. The specification only provides support for using  $\text{Ni(cod)}_2$  as the transition metal compound in the catalyst composition for the instant process. With the vast array of transition metal starting materials that can be included in the catalyst composition, e.g.  $\text{TiO}_2$ ,  $\text{FeCl}_2$ ,  $\text{FeCl}_3$ ,  $\text{Mn(acac)}_3$ , etc..., Applicant has not provided a representative number of examples which leads one of skill to conclude that Applicant was not in possession of the entire claimed invention at the time of filing. Applicant can overcome this rejection either by providing declaration evidence or by deleting the subject matter that does not have firm written description support in the specification.

Claims 36-42 and 46 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In the instant case, a process for hydrocyanating a hydrocarbon compound containing at least one ethylenic unsaturation using a catalyst comprising a Lewis acid, a transition metal and an organic ligand of formula I is claimed. The specification only provides support for using  $\text{ZnCl}_2$ ,  $\text{CoCl}_2$ , and  $\text{YCl}_3$  as Lewis acids in the catalyst composition for the instant process. With the vast array of Lewis acids that can be included in the catalyst composition, e.g. phenol,  $\text{HBr}$ ,  $\text{BF}_3$ , etc..., Applicant has not provided a representative number of examples which leads one of skill to conclude that Applicant was not in possession of the entire claimed invention at the time of filing. Applicant can overcome this rejection either by providing declaration evidence or by deleting the subject matter that does not have firm written description support in the specification.

### ***Conclusion***

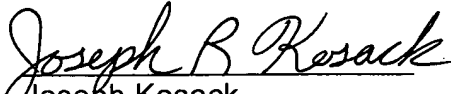
Claims 25-46 are rejected. Claims 25-46 are objected to. Claims 25-46 are currently free of the art.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Kosack whose telephone number is (571)-272-5575. The examiner can normally be reached on M-F 5:30 A.M. until 2:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joseph Kosack  
Patent Examiner  
Art Unit 1626

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